

Name Mira Hashmall (SBN 216842)  
 Miller Barondess, LLP  
 Address 1999 Avenue of the Stars  
Suite 1000  
 City, State, Zip Los Angeles, CA 90067  
 Phone 310-552-4400  
 Fax 310-552-8400  
 E-Mail mhashmall@millerbarondess.com  
☐ FPD ☐ Appointed ☐ CJA ☐ Pro Per ☒ Retained

**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

National Association of African-American Owned  
 Media, Entertainment Studios Networks, Inc.

CASE NUMBER:  
 2:15-cv-01239-TJH-MAN

v. PLAINTIFF(S),

Comcast Corporation, Time Warner Cable Inc., National Association for the Advancement  
 of Colored People, National Urban League, Inc., Al Sharpton, National Action Network,  
 Inc. Meredith Attwell Baker

**NOTICE OF APPEAL**

DEFENDANT(S).

NOTICE IS HEREBY GIVEN that Plaintiffs hereby appeals to the  
 United States Court of Appeals for the Ninth Circuit from: *Name of Appellant*

**Criminal Matter**

- ☐ Conviction only [F.R.Cr.P. 32(j)(1)(A)]  
☐ Conviction and Sentence  
☐ Sentence Only (18 U.S.C. 3742)  
☐ Pursuant to F.R.Cr.P. 32(j)(2)  
☐ Interlocutory Appeals  
☐ Sentence imposed:  
☐ Bail status:

**Civil Matter**

- ☒ Order (specify): Motion to Dismiss  
☐ Judgment (specify):  
☐ Other (specify):

Imposed or Filed on \_\_\_\_\_ . Entered on the docket in this action on August 5, 2015 .

A copy of said judgment or order is attached hereto.

August 14, 2015  
 Date

Signature

☐ Appellant/ProSe ☒ Counsel for Appellant ☐ Deputy Clerk

**Note:** The Notice of Appeal shall contain the names of all parties to the judgment or order and the names and addresses of the attorneys for each party. Also, if not electronically filed in a criminal case, the Clerk shall be furnished a sufficient number of copies of the Notice of Appeal to permit prompt compliance with the service requirements of FRAP 3(d).

JS-6

**United States District Court  
Central District of California  
Western Division**

NATIONAL ASSOCIATION OF  
AFRICAN-AMERICAN OWNED  
MEDIA, *et al.*,

Plaintiffs,

v.

COMCAST CORPORATION, *et al.*,

Defendants.

CV 15-01239 TJH (MANx)

**Order**

The Court has considered the motions of Time Warner Cable and Comcast Corporation, National Association for the Advancement of Colored People, National Urban League, Inc., Al Sharpton, National Action Network, Inc., and Meredith Attwell Baker's to dismiss, together with the moving and opposing papers.

Since there is no applicable federal statute governing personal jurisdiction, district courts apply the law of the state in which they sit. *Yahoo! Inc. v. La Ligue Contre le Racisme et L'Antisemitisme*, 433 F.3d 1199, 1205 (9th Cir. 2006). As such, jurisdictional analysis under California law and federal due process is the same, and this Court may exercise jurisdiction under any basis allowable under the U.S. Constitution. *Yahoo! Inc.*, 433 F.3d at 1205.

1 Federal due process requires that the defendant have certain minimum contacts  
2 with the forum state such that the suit does not offend “traditional notions of fair play  
3 and substantial justice.” *International Shoe Co. v. Washington*, 326 U.S. 310, 316, 66  
4 S. Ct. 154, 158, 90 L. Ed. 95, 102 (1945). There is a three-part test to assess whether  
5 a defendant has sufficient contacts with the forum state to be subject to specific personal  
6 jurisdiction: (1) the non-resident defendant must purposefully direct his activities or  
7 consummate some transaction with the forum or resident thereof; or purposefully avail  
8 himself of the privilege of conducting activities in the forum, thereby invoking the  
9 benefits and protections of its laws; (2) the claim must arise out of or relate to the  
10 defendant’s forum-related activities; and (3) the exercise of jurisdiction must comport  
11 with fair play and substantial justice. *Picot v. Weston*, 780 F.3d 1206, 1211 (9th Cir.  
12 2015). The plaintiff bears the burden of proving the first two prongs. *Picot*, 780 F.3d  
13 at 1212. Should the plaintiff satisfy the first two prongs, the burden shifts to the  
14 defendant to “present a compelling case” that the exercise of jurisdiction would be  
15 unreasonable. *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 802 (9th Cir.  
16 2004).

17 As to the first prong, one of two tests guides the Court’s jurisdictional analysis.  
18 *Picot*, 780 F.3d at 1212. For contract claims, the question is whether a defendant has  
19 purposefully availed himself of the privilege of conducting activities within the forum  
20 State, thus invoking the benefits and protections of its laws. *Picot*, 780 F.3d at 1212.  
21 For tort claims, there is a three part “effects” test derived from *Calder v. Jones*, 465  
22 U.S. 783, 104 S. Ct. 1482, 79 L. Ed. 2d 804 (9th Cir. 1984). A defendant has  
23 purposefully directed his activities at the forum if he: (1) committed an intentional act,  
24 (2) expressly aimed at the forum state, and (3) caused harm that the defendant knew was  
25 likely to be suffered in the forum state. *Calder*, 465 U.S. at 783.

26 Plaintiffs’ claims sound in tort, and, thus, the “purposeful direction” test applies.

27 The plaintiffs have failed to plead sufficient facts to show that this Court has  
28 personal jurisdiction over defendants National Urban League, National Action Network,

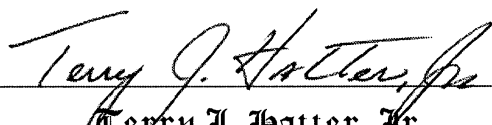
1 the National Association for the Advancement of Colored People, Al Sharpton and  
2 Meredith Attwell Baker. As to these defendants, none of the traditional bases for  
3 personal jurisdiction have been established. Additionally, the plaintiffs have failed to  
4 show that these defendants' contacts with California establish, either, general or specific  
5 jurisdiction. These defendants are dismissed.

6 In considering a motion to dismiss, all material allegations in the complaint are  
7 accepted as true. *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S. Ct. 1937, 1949, 173 L.  
8 Ed. 2d 868, 884 (2009). However, a complaint must contain sufficient facts to state a  
9 "plausible" claim for relief. *Shroyer v. New Cingular Wireless Services, Inc.*, 622 F.3d  
10 1035,1041 (9th Cir. 2010). A claim is facially plausible when the facts to support it  
11 allow the court to reasonably infer that the defendant is liable for the misconduct  
12 alleged. *Iqbal*, 556 U.S. at 1949. This requires more than a possibility that the  
13 defendant has acted unlawfully. *Iqbal*, 556 U.S. at 1949. Where a complaint pleads  
14 facts that are merely consistent with a defendant's liability, it stops short of the line  
15 between possibility and plausibility of entitlement to relief. *Eclectic Props. East, LLC*  
16 *v. Marcus & Millichap Co.*, 751 F.3d 990, 996 (9th Cir. 2014).

17 Accepting all of the factual allegations in the complaint as true, the plaintiffs have  
18 failed to allege any plausible claim for relief.

19  
20 **It is Ordered**, that the motions to dismiss be, and hereby are, **Granted**.

21  
22 Date: August 5, 2015

23   
24 **Terry J. Hatter, Jr.**  
25 **Senior United States District Judge**  
26  
27  
28

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

NATIONAL ASSOCIATION OF  
AFRICAN-AMERICAN OWNED  
MEDIA and ENTERTAINMENT  
STUDIOS NETWORKS, INC.

Plaintiff/Appellant,

vs.

COMCAST CORPORATION, TIME  
WARNER CABLE, INC., NATIONAL  
ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED  
PEOPLE, NATIONAL URBAN  
LEAGUE, AL SHARPTON,  
NATIONAL ACTION NETWORK,  
INC., MEREDITH ATTWELL BAKER

Defendants/Appellees.

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NO.

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2:15-cv-01239-TJH-MAN  
(Central District of California)

**REPRESENTATION STATEMENT**

The undersigned represents National Association of African-American Owned Media and Entertainment Studios Networks, Inc., plaintiffs and appellants in this matter, and no other party. Attached is a service list that shows all of the parties to the action below, and identifies their counsel by name, firm, address, telephone number, and e-mail address, where appropriate. (F.R.A.P. 12(b); Circuit Rule 3-2(b).)

Respectfully submitted,

MIRA HASHMALL

MILLER BARONDESS, LLP

1999 Avenue of the Stars, Suite 1000

Los Angeles, California 90067

(310) 552-4400

mhashmall@millerbarondess.com

## SERVICE LIST

Bryan A. Merryman  
Rachel J. Feldman  
Julian A. Lamm  
Scott T. Eisen  
WHITE & CASE LLP  
633 W. Fifth Street, Suite 1900  
Los Angeles, CA 90071-2007  
Telephone: (213) 620-7700  
Facsimile: (213) 452-2329  
*Attorneys for Defendant* TIME WARNER CABLE, INC.

Douglas Fuchs  
Jesse A. Cripps  
Bradley J. Hamburger  
GIBSON, DUNN & CRUTCHER  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Telephone: (213) 229-7000  
Facsimile: (213) 229-7520  
*Attorneys for Defendants* COMCAST CORPORATION, TIME WARNER CABLE, INC., NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, NATIONAL URBAN LEAGUE, AL SHARPTON, NATIONAL ACTION NETWORK, INC., MEREDITH ATTWELL BAKER

Miguel A. Estrada  
Michael R. Huston  
GIBSON, DUNN & CRUTCHER  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306  
Telephone: (202) 955-8500  
Facsimile: (202) 467-0539  
*Attorneys for Defendants* COMCAST CORPORATION, TIME WARNER CABLE, INC., NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, NATIONAL URBAN LEAGUE, AL SHARPTON, NATIONAL ACTION NETWORK, INC., MEREDITH ATTWELL BAKER

Peter C. Harvey  
PATTERSON BELKNAP WEBB & TYLER LLP  
1133 Avenue of the Americas  
New York, NY 10036  
Telephone: (212) 336-2000  
Facsimile: (212) 236-2222  
*Attorneys for Defendant* NATIONAL URBAN LEAGUE, INC.